

# **Index File**

## **Application No. UP-698-06**

### **Charity A. Barrett**

Application No. UP-698-06 is a Special Use Permit request to authorize a 468-square-foot beauty shop as a home occupation within a single-family detached dwelling located at 409 Cheadle Loop Road (Route 686). The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

The staff is recommending approval with conditions.

#### Attachments:

1. Staff report
2. Zoning map
3. Site map
4. Survey plat
5. Photos
6. Proposed beauty shop floor plan
7. Letter from applicant
8. Proposed Resolution No. PC06-06

# COUNTY OF YORK

## MEMORANDUM

**DATE:** March 1, 2006 (PC Mtg. 3/8/06)

**TO:** York County Planning Commission

**FROM:** Timothy C. Cross, AICP, Principal Planner

**SUBJECT:** Application No. UP-698-06, Charity Barrett

### ISSUE

Application No. UP-698-06 requests a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to authorize an approximately 468-square foot beauty shop as a home occupation within a single-family detached dwelling located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1.

### DESCRIPTION

- Property Owners: Sean P. and Charity A. Barrett
- Location: 409 Cheadle Loop Road (Route 686)
- Area: 1.05 acre
- Frontage: 135 feet on Cheadle Loop Road
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
  - North: Single-family detached homes fronting on Sharon Drive
  - East: Single-family detached homes (across Cheadle Loop Road)
  - South: Single-family detached homes
  - West: Single-family detached homes
- Proposed Development: Beauty shop as a home occupation

## **CONSIDERATIONS/CONCLUSIONS**

1. The applicant operated a beauty shop as a home occupation at her previous residence in the Edgehill subdivision under a Special Use Permit approved by the Board of Supervisors in 2002 (UP-588-02, Resolution No.R02-16). She has since moved to her current residence at 409 Cheadle Loop Road in Seaford and wishes to operate a beauty shop in her new home in an existing attached garage. Section 24.1-283(b)(1) of the Zoning Ordinance requires a Special Use Permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.
2. The subject parcel is located in a residential area of single-family detached homes and, at slightly over one acre, is the largest lot in the area bounded by Cheadle Loop Road, where most of the 41 properties are less than half an acre in size. The entire surrounding area is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.
3. Section 24.1-281 of the Zoning Ordinances specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less, unless the Board authorizes a greater floor area in conjunction with a use permit application. The applicant's home has approximately 2,900 square feet of floor area (including the garage), and the beauty salon will be limited to one 468-square foot area of the garage (17% of the floor area of the home). The Zoning Ordinance also limits all public contact to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are Tuesdays and Thursdays from 10:00 AM to 6:00 PM and Wednesdays and Fridays from 10:00 AM to 2:00 PM, and Saturday from 10:00 AM to 2:00 PM (i.e., a maximum of 28 hours per week). There would be no employees other than the applicant herself, and a condition has been included in the proposed resolution specifying that only one customer may be served at a time.
4. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed beauty shop (1 space). The home has a detached garage (in addition to the attached garage where the beauty shop would be located) and a driveway that measures approximately 163 feet in length and can accommodate approximately 9-10 cars.
5. In the past fifteen years, the Board of Supervisors has approved thirteen applications for home barber and beauty shops. For purposes of comparison, relevant data for these home occupations are listed in the table below.

| Approval Date | Location           | Maximum Area   | Days and Hours of Operation  | Maximum Hours per Week |
|---------------|--------------------|----------------|--|------------------------|
| 2/21/91       | Lotz Acres Estates | 125 square ft. | Monday-Saturday, 8 AM-8 PM   | 72                     |
| 10/17/91      | Hudgins Farm Drive | 240 square ft. | Monday-Saturday, 8 AM-8 PM   | 72                     |
| 4/16/92       | Hornsbyville Road  | 240 square ft. | Monday-Saturday, 8 AM-8 PM   | 72                     |
| 10/15/92      | Running Man        | 150 square ft. | Monday-Saturday, 8 AM-8 PM   | 72                     |
| 5/20/93       | Edgehill           | 260 square ft. | Monday-Friday, 9 AM-5 PM   | 40                     |
| 8/16/95       | Carraway Terrace   | 200 square ft. | Tuesday-Thursday, 9 AM-6 PM  | 27                     |
| 11/21/00      | Woods of Tabb      | 150 square ft. | 3 days/week 9 AM-5 PM  | 24                     |
| 2/19/02       | Edgehill           | 250 square ft. | Tues. and Thurs., 10 AM-7 PM;<br>Wed. and Fri., 10 AM-4 PM; &<br>Saturdays, 10 AM-2 PM | 34                     |
| 2/19/02       | Carver Gardens     | 200 square ft. | Monday-Saturday, 8 AM-8 PM   | 72                     |
| 7/16/02       | Skimino Hills      | 200 square ft. | Monday-Saturday, 9 AM-5 PM   | 48                     |
| 12/03/03      | Meadowlake Farms   | 335 square ft. | Tuesday-Saturday, 9 AM-5 PM  | 40                     |
| 7/13/04       | Woodlake Crossing  | 63 square ft.  | Tuesday & Thursday, 9 AM-5PM   | 16                     |
| 10/26/04      | Edgehill           | 215 square ft. | 3 days/week from 9 AM to 8 PM<br>by appointment only                                   | 33                     |

According to the County's Zoning and Code Enforcement staff, there have been no complaints or compliance problems associated with Ms. Barrett's previous home beauty shop or any of the other home beauty/barber shops that have been approved. As the table indicates, the proposed home beauty shop would be less intensive – in terms of activity levels – than all but three of these approved home occupations based on the proposed 28 hours of operation per week. At 468 square feet, however, it would be somewhat larger than the largest of the thirteen home beauty/barber shops that have previously been approved. The floor area of the beauty shop is dictated by the size of the existing garage and includes an existing staircase and the furnace area, which the applicant plans to block off by adding an interior wall (not shown on the attached floor plan) that will reduce the floor area to something less than 468 square feet. Though greater than the Zoning Ordinance typically allows, staff does not believe the size of the proposed beauty salon will have any adverse impacts.

- The subject parcel is not within a subdivision and does not fall under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the accessory apartment use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants, and approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

## **RECOMMENDATION**

The proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. Over the past four years, the applicant has demonstrated her willingness and ability to operate a home beauty shop at her previous residence in compliance with County regulations and the conditions of her original use permit, which are almost identical to the conditions in the proposed resolution. Staff is confident that the proposed conditions prohibiting non-resident employees and limiting

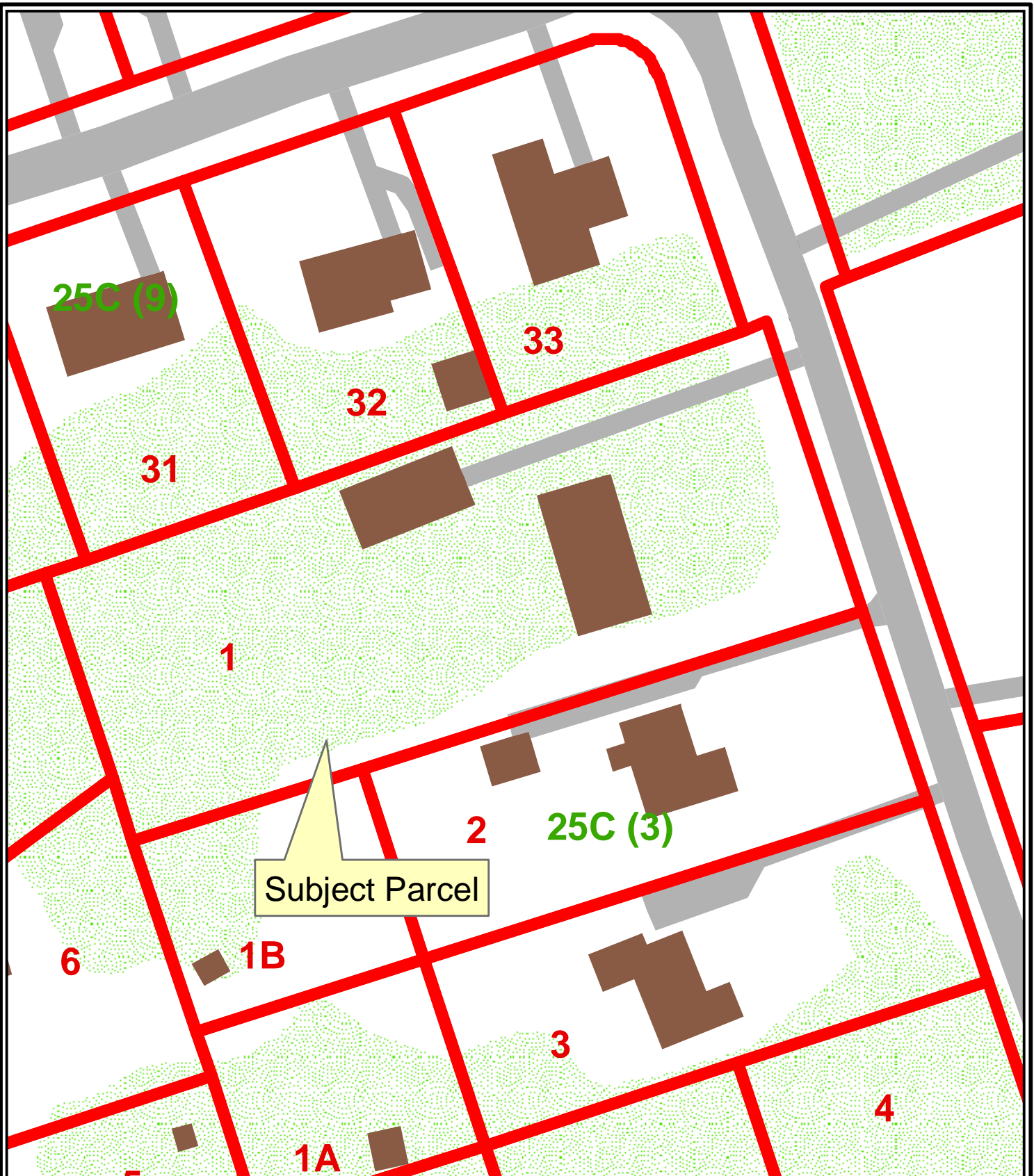
the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC06-6.

TCC

Attachments

- Zoning Map
- Site Map
- Survey Plat
- Photos
- Beauty shop floor plan
- Letter from Charity Barrett dated December 19, 2005
- Proposed Resolution No. PC06-6

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Division of Computer Support Services  
Department of Financial & Management Services  
WWW.YORKCOUNTY.GOV



## Site Map UP-698-06



Printed on February 28, 2006



GAILWOOD - SECTION 2

LOT 6

LOT 7

N 10°55'10" W 125.75'

LOT 30

REMAINDER OF PARCEL # 1  
PLAT OF PROPERTY OF  
GEORGE W. & MARGARET M. HAMILTON  
(P.B. 7, PG. 47)

352.09'

1.0520 ACRES

PART OF PARCEL # 1  
PLAT OF PROPERTY OF  
GEORGE W. & MARGARET M. HAMILTON  
(P.B. 7, PG. 47)

351.03'

LOT 31

SECTION THREE

LOT 32

CHEADLE HEIGHTS

LOT 33

SHARON DRIVE

PARCEL # 2  
PLAT OF PROPERTY OF  
GEORGE W. & MARGARET M. HAMILTON  
(P.B. 7, PG. 47)

S 78°32'30" W

ONE STORY  
FRAME  
GARAGE

TWO STORY  
BRICK  
RESIDENCE  
WOOD  
DECK

20.3'  
52.3'  
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14.2'

19.3' 64.9' 47.8'

26.4' 40.0' 4' 24.8' 48.2'

87.9'

88.2'

DRIVE

N 77°01'40" E

119.10'

T= 25.60'

S 11°27'30" E 135.02'  
CHEADLE LOOP ROAD  
(50' R/W)

NOTE: PROPERTY SHOWN HEREON IS LOCATED  
IN ZONE X AS SHOWN ON FLOOD  
INSURANCE RATE MAP COMMUNITY-  
PANEL NUMBER 510182 0019 B  
EFFECTIVE DATE: 16 DEC. 1988

SYMBOLS :

- PIPE FOUND
- IRON PIPE SET
- IRON ROD FOUND
- CONC. MONUMENT

JOB LOCATION : # 409 CHEADLE LOOP ROAD

PLAT OF THE PROPERTY OF:  
SEAN BARRETT & CHARITY BARRETT

PARCEL OF LAND CONTAINING :

1.0520 ACRES

BEING PART OF PARCEL # 1

PLAT OF PROPERTY OF  
GEORGE W. & MARGARET M. HAMILTON  
GRAFTON DISTRICT  
YORK COUNTY, VIRGINIA  
(P.B. 7, PG. 47)

HEREBY CERTIFY THAT THE  
SURVEY REPRESENTED BY THIS  
PLAT WAS MADE BY ME ON  
THIS DATE AND IS CORRECT  
TO THE BEST OF MY KNOW-  
LEDGE AND BELIEF THERE ARE  
NO ENCROACHMENTS OF BUILD-  
INGS UNLESS SHOWN HEREON.  
DAVIS & ASSOCIATES, P.C.  
SURVEYORS - PLANNERS  
YORK COUNTY, VIRGINIA



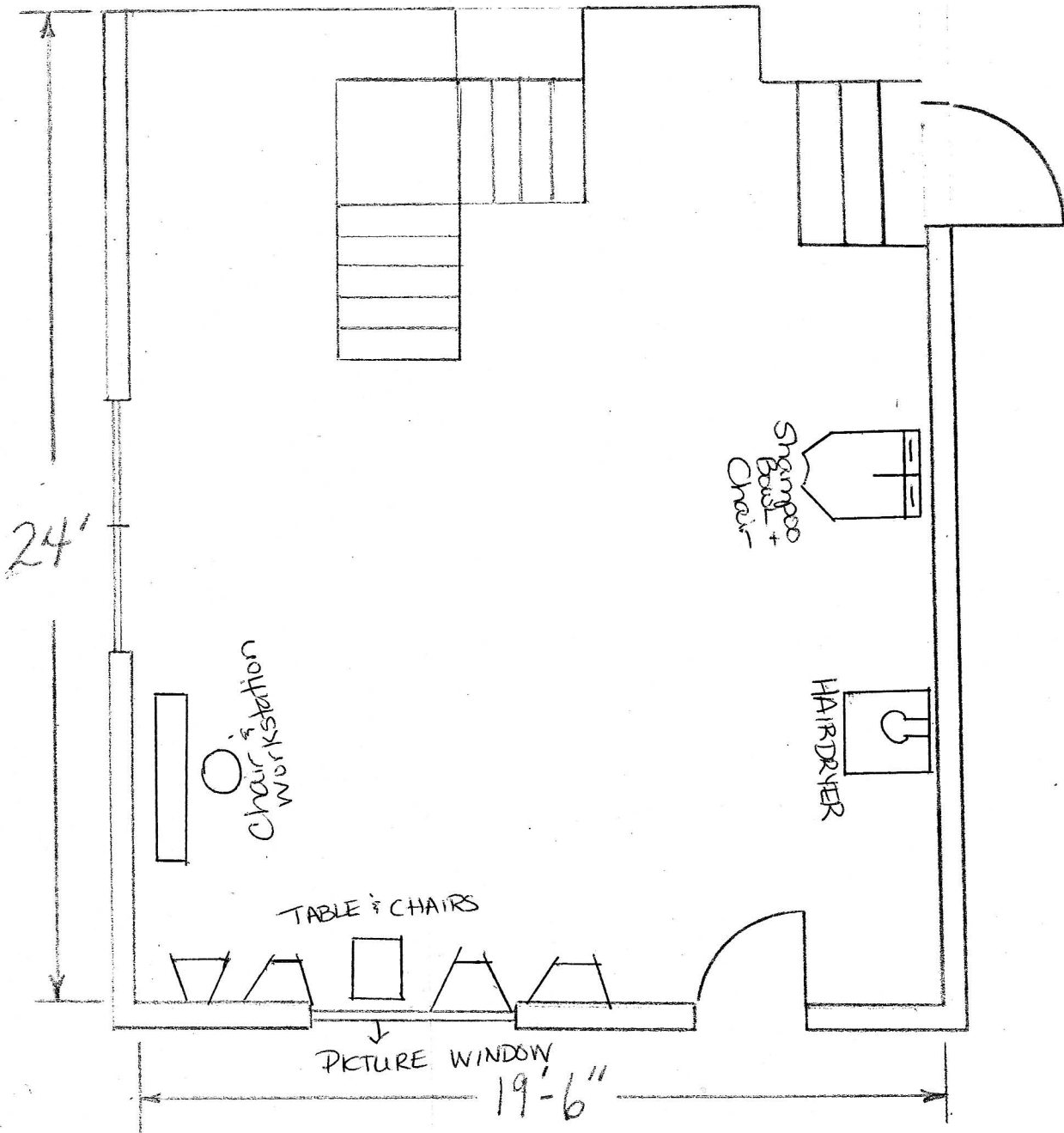




**View of the home from Cheadle Loop Road**



**Attached garage to be renovated as a beauty salon**



December 19, 2005

York County Planning Commission  
120 Alexander Hamilton Blvd.  
Yorktown, VA 23692

Re: Request for Special Use Permit  
Home Based Hair Salon  
409 Cheadle Loop Rd.  
Seaford, VA 23696

To Whom It May Concern:

I currently reside at 103 York Lane and I have a Special Use Permit for a Hair Salon. The new use permit for 409 Cheadle Loop would have ample off road parking and my hours of operation and all other aspects would stay the same as before.

I have been in business at home since February 2002. During that time I have had no complaints and I have abided by all the county guidelines, no signs, no on street parking, myself as sole operator working on only one client at a time, etc. My neighbors seem to love the convenience of being able to walk next door or down the street to get their hair done.

This permit is important to me and my family since I have a child and an 80 year old grandmother that lives with me. The permit eliminates the need for child care and a caregiver for my grandmother as I would be able to work at home.

I appreciate your consideration of my situation and approve my request for this permit.

Sincerely,

Charity Barrett

PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2006:

---

Present

Vote

Alfred E. Ptasznik, Jr., Chair  
Nicholas F. Barba, Vice Chair  
Christopher A. Abel  
Alexander T. Hamilton  
John W. Staton  
Anne C. H. Conner  
John R. Davis

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN  
APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A  
BEAUTY SHOP AS A HOME OCCUPATION AT 409 CHEADLE  
LOOP ROAD

WHEREAS, Charity Ann Barrett has submitted Application No. UP-698-06 requesting a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_ day of \_\_\_\_\_, 2006, that Application No. UP-698-06 be, and

it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177), subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177).
2. The conduct of such home occupation shall be limited to an area within the existing home consisting of approximately 468 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Tuesdays and Thursdays from 10:00 AM to 6:00 PM, and Wednesdays and Fridays from 10:00 AM to 2:00 PM, and Saturdays from 10:00 AM to 2:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

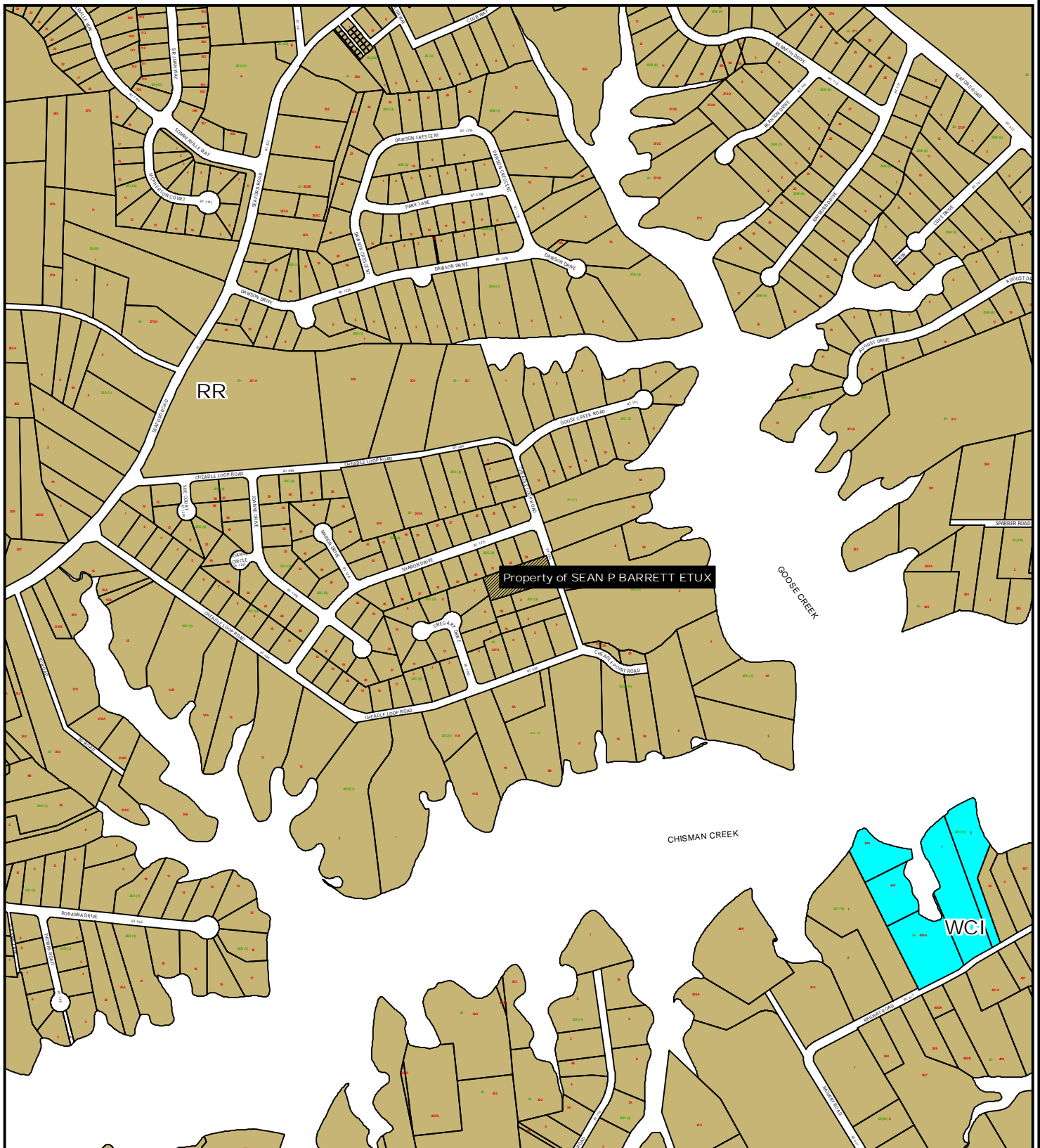


**APPLICANT**  
**Charity Ann Barrett**

*Beauty Shop as a Home Occupation*  
409 CHEADLE LOOP RD

**ZONING MAP**

**APPLICATION NUMBER:** UP-698-06



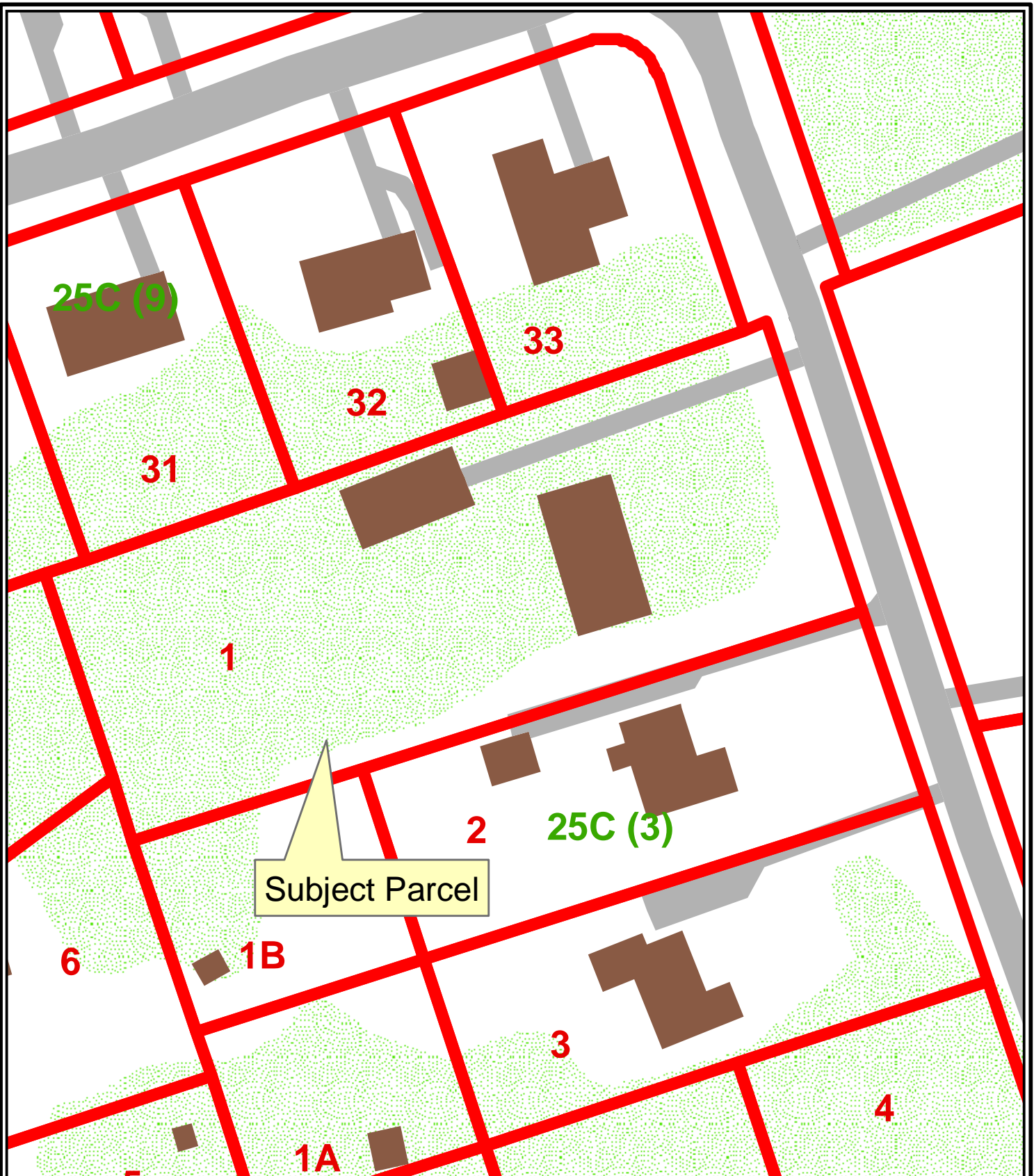
△ = Conditional Zoning  
0 350 700 1,400 Feet

Printed on February 28, 2006

**SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE**

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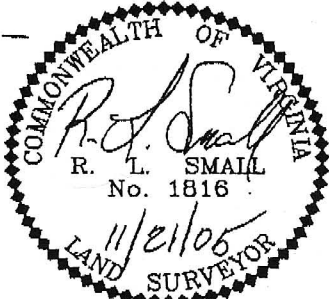
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*R. L. Smail*

HEREBY CERTIFY THAT THE  
SURVEY REPRESENTED BY THIS  
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CODE: 05-1075 DWN.BY-RLS SCALE : 1" = 50' TO : BREEN DATE : 21 NOV. 05

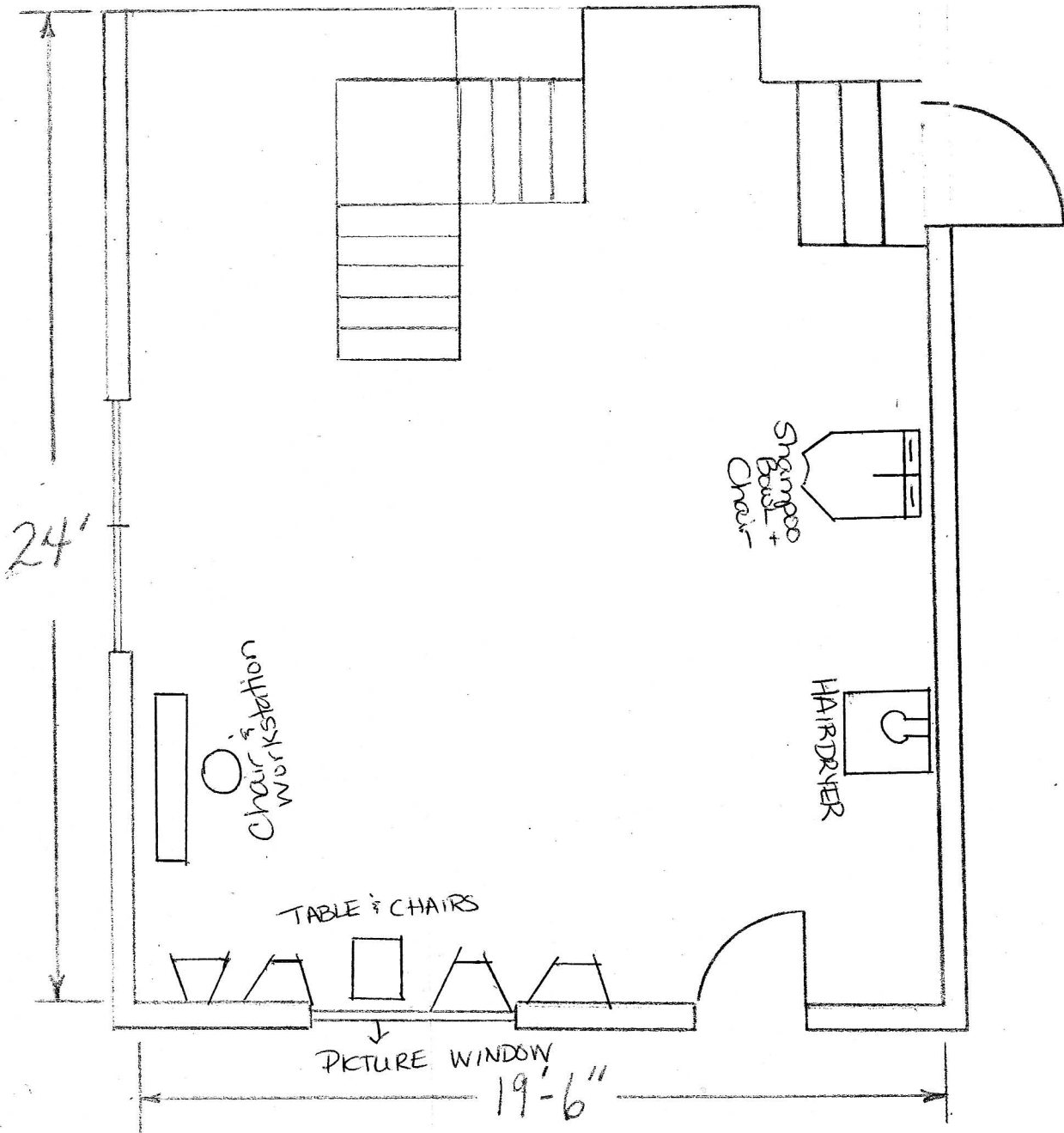




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